



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,520	02/23/2007	Randall Snyder	6783P104	5106
4372	7590	10/14/2010		
ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER KELLEY, STEVEN SHAUN	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 10/14/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.com

Office Action Summary

Application No.

10/521,520

Applicant(s)

SNYDER ET AL.

Examiner

STEVEN KELLEY

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. 2002/0019243 to Zhang et al. (hereinafter "Zhang") in view of U.S. Patent No. 7,116,994 to Hatch (hereinafter "Hatch") and either one of U.S. Patent No. 7,068,772 to Widger et al. (hereinafter "Widger") or U.S. Patent Pub. 2002/0196924 to Dahari (hereinafter "Dahari").

Regarding claim 1, Zhang teaches a communications network (shown in Fig. 1) and a message center system coupled to said network (short messaging service gateway 120 which receives an SMS message from a mobile device 151 and forwards the SMS message to an application server 110). Zhang also teaches that the recited "message based application" (which is on server 110), where the "service provided by the message based application" is a weather report. See for example, sections [0046] to [0048] of Zhang which describe a scenario of entering a short message "20#010", where "20" is a service code for weather forecast (from application server 110) and "010" is the code for Beijing forecast. Although the short messaging service gateway 120 of Zhang must associate destination addresses of servers 110 with their

corresponding data network address (in order to correctly send an SMS from mobile device 151 to server 110), as Zhang is silent regarding these specific details of the claim language, Hatch and either one of Widger or Dahari are added.

Regarding claim 1, Hatch teaches a messaging address system for facilitating interaction between mobile subscribers and message-based applications, said system comprising: a communications network (see Fig. 1); and a message center system coupled to said communications network (short message service center 2 and HLR 7, as in Fig. 1), said message center system comprising: a processor (Hatch does not explicitly mention a processor, however, a processor is deemed to be inherently included within, and necessary to perform the functions described in the SMSC 2 and HLR 7) configured to automatically: associate destination addresses with corresponding data network addresses for a plurality of different message-based applications (database stored in HLR 7, see claim 1, where the term "message-based application" is interpreted to be any type of messaging application program, such as an SMS application program running on a mobile device or an email application program running on a mobile or stationary device, therefore storing destination addresses of devices (which are running "message-based applications"), is "associating addresses for the message-based applications", as recited); receive a mobile-originated message generated by a subscriber wireless device (see column 2, lines 60-63); said mobile-originated message including a destination address for a message-based application, translate said mobile-originated message's destination address into its corresponding data network address "for a network application" (see column 3, lines 4-14), and send

said mobile-originated message to said corresponding data network address for receipt by a message-based application to perform a function based on the message received from the subscriber wireless device (see column 3, lines 15-17, where the function performed by the email application program is to display the SMS message).

Therefore, as both Zhang and Hatch receive SMS messages and deliver the messages to data networks, it would have been obvious to one of ordinary skill in the art to modify the short message service gateway of Zhang to incorporate the address translation processing of Hatch, in order to allow wireless SMS messaging to communicate with data networks, as is conventional and desired.

Therefore, Zhang as modified by Hatch teach the recited features of claim 1 except that the "destination address is formatted in accordance with a standard non-geographic numbering and administration plan" as recited.

In an analogous art, Widger teaches a communications network which includes a database used to route calls to subscribers using 1-800 numbers, where the subscriber may include a network address (such as an email address) to have the message forwarded to. See for example, column 15, lines 40-67 and Figs. 1, 2A and 5, where the addressed devices run "message-based applications", as recited. The "1-800" numbers (recited "destination addresses") used in Widger read on the recited "destination addresses formatted in accordance with a standard non-geographic numbering and administration plan" as recited in claim 1. Widger also discusses the use of processors (in column 7) employed within the servers and devices described in the communications system. Additionally, Widger teaches that calls placed in the

system may be to/from wireless callers (see column 15, lines 8-24) and that a call or "subscriber input may be of any form, not necessarily DTMF input or voice command...For example, subscriber or user input may be ...keyboard interaction with a web page using a computer input device, personal computer with web browser software,...or may be provided to the user via an appropriate device, such as a palm top computer having a wireless connection to the system (see column 17, lines 7-15).

In an analogous art, Dahari teaches providing SMS messaging via 1-800 numbers, see for example, claims 1 and 4. The "1-800" numbers (recited "destination addresses") used in Dahari read on the recited "destination addresses formatted in accordance with a standard non-geographic numbering and administration plan".

Therefore, as Widger and Dahari teach the cost and routing advantages of receiving calls to 1-800 numbers and forwarding the calls to a wireless data network address (associated with a device running "message based applications), it would have been obvious to one of ordinary skill in the art to modify Zhang/Hatch with the ability to associate "standard non-geographic" destination addresses with data network addresses, in order to increase the network resources available for messaging.

Regarding claims 9, 16 and 24, see the rejection of claim 1 above.

Regarding claims 2, 10, 17 and 25, which recite that the "destination address is formatted in accordance with the Numbering Plan (NANP) service access code (SAC)

format", the 1-800 numbers (recited destination addresses) used in Widger and/or Dahari are formatted in accordance with NAPN SAC, as recited.

Regarding claims 3, 11, 18 and 26, which recite that the "format of said destination address comprises N00-NXX-XXXX, where N is any number 2-9 and X is any number 0-9", the "1-800" numbers of Widger and/or Dahari read on the recited language.

Regarding claims 4, 12, 19 and 27, which recite that the "message center system is further configured to store said mobile-originated message", see column 3, lines 49-65 of Hatch, which teaches storing undelivered messages.

Regarding claims 5, 20 and 28, which recite that the "communications network comprises a wireless network and a data network and said mobile-originated message having an associated transfer protocol and wherein said system further comprises a wireless-to-data network transfer protocol conversion component associated with said wireless network and said data network, said transfer protocol conversion component for converting said mobile-originated message transfer protocol from said wireless to said data and vice versa", see claim 1 of Hatch which teaches an email forming means which converts a text message to an email message (recited "wireless-to-data protocol conversion").

Regarding claims 6, 13, 21 and 29, which recite that the "data network is a network selected from the group consisting of a packet-switched network, circuit-switched network or any combination thereof", as Hatch teaches email delivery, the data network (10) must inherently be a packet-switched network". Additionally, Widger explicitly teaches packet switched networks in column 6, line 2.

Regarding claims 7, 14, 22 and 30, which recite that "wireless network implements a protocol selected from the group consisting of the Global System for Mobile ("GSM") protocol, Time Division Multiple Access ("TDMA") protocol, Code Division Multiple Access ("CDMA") protocol, other American National Standards Institute-41 ("ANSI-41") protocols, or any combination thereof", see column, 2, lines 24-27 of Hatch, which teach using GSM protocol.

Regarding claims 8, 15, 23 and 31, which recite that the "data network implements a protocol selected from the group consisting of the Short Message Service ("SMS") protocol, Enhanced Messaging Services ("EMS") protocol, Multimedia Messaging Services ("MMS") protocol, Internet Protocol ("IP") based technologies using telephone number mapping ("ENUM"), or any combination thereof", see column 2, lines 33-42 of Hatch, which teach using SMS protocol and column 3, which teaches using IP protocol.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN KELLEY whose telephone number is (571) 272-5652. The examiner can normally be reached on Monday-Friday, 9AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SSK/

/LESTER KINCAID/

Supervisory Patent Examiner, Art Unit 2617